

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-5087-MAT
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 KEVIN D. LYONS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS OF
SUPERVISED RELEASE
13

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on January 12, 2006. The United States was represented by AUSA Barbara J. Sievers and the
16 defendant by Carol A. Koller. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 3, 2004 by the Honorable Karen L.
18 Strombom on a charge of Possession of drug paraphernalia, simple possession of marijuana and
19 sentenced to 2 years probation.

20 The conditions of probation included the standard conditions plus participate in a drug
21 dependency/substance abuse program, abstain from the use of alcohol, and submit to search. (Dkt.
22 5).

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE
AS TO ALLEGED VIOLATIONS OF SUPERVISED
RELEASE
PAGE -1

01 Defendant's probation officer reported on April 16, 2004 that defendant tested positive
02 for marijuana. He was reprimanded, placed in a structured testing program, and referred for
03 assessment and counseling. (Dkt. 7). A similar report was filed on September 24, 2004. (Dkt. 8).
04 The same actions were taken, plus a referral to an intensive outpatient program.

05 In an application dated December 23, 2005, U.S. Probation Officer Brian K. Facklam
06 alleged the following violation of the conditions of probation:

07 1. Failing to report for drug testing on March 18, April 1, August 23, and 29,
08 September 6 and 28, October 11, November 4 and 14, December 7 and 8, all in 2005, in violation
09 of his special condition requiring that he submit to testing.

10 2. Failing to submit monthly reports from May 2005 to present in violation of
11 standard condition 2.

12 3. Failing to report as instructed by the probation officer in violation of standard
13 condition 2.

14 Defendant was advised in full as to those charges and as to his constitutional rights.

15 Defendant admitted each of the alleged violations and waived any evidentiary hearing as
16 to whether they occurred.

17 I therefore recommend the Court find defendant violated his supervised release as alleged
18 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
19 set before Judge Strombom.

20 ///

21 ///

22 ///

01 Pending a final determination by the Court, defendant has been released on the conditions
02 of his probation.

03 DATED this 12th day of January, 2005.

04 
05 Mary Alice Theiler
06 United States Magistrate Judge

07
08 cc: Magistrate Judge: Honorable Karen L. Strombom
09 AUSA: Barbara J. Sievers
10 Defendant's attorney: Carol A. Koller
11 Probation officer: Brian K. Facklam
12
13
14
15
16
17
18
19
20
21
22